

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 3 19 13

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
----- x
:
UNITED STATES OF AMERICA :
-v.- :
NOORUDDIN DASHTI, :
: Defendant.
----- x

CONSENT PRELIMINARY
ORDER OF FORFEITURE/
MONEY JUDGMENT

12 Cr. 563 (WHP)

WHEREAS, on or about August 30, 2012, NOORUDDIN DASHTI (the "defendant"), was charged in two counts of a four-count Indictment, 12 Cr. 563 (WHP) (the "Indictment") with conspiracy to commit access device fraud, in violation of 18 U.S.C. § 1029(b)(2) (Count One); and bank fraud conspiracy, in violation of 18 U.S.C. § 1344 and 1349 (Count Two);

WHEREAS, the Indictment included a forfeiture allegation as to Count One of the Indictment, seeking forfeiture to the United States, (i) pursuant to 18 U.S.C. § 982(a)(2)(B), of any and all property constituting or derived from proceeds obtained directly or indirectly as a result of the offense, including but not limited to a sum of United States currency representing the amount of proceeds obtained as a result of the offense; and (ii) pursuant to 18 U.S.C. § 1029(c)(1)(C), any personal property used or intended to be used to commit the offense charged in Count One of the Indictment;

WHEREAS, the Indictment included a forfeiture allegation as to Count Two of the Indictment, seeking forfeiture to the United States, (i) pursuant to 18 U.S.C. § 982(a)(1)(A), of any and all

property constituting or derived from proceeds obtained directly or indirectly as a result of the offense, including but not limited to a sum of United States currency representing the amount of proceeds obtained as a result of the offense charged in Count Two of the Indictment;

WHEREAS, on or about March 8, 2013, the defendant pled guilty to Counts One and Two of the Indictment, pursuant to a plea agreement with the Government, admitted the pertaining forfeiture allegations, and agreed to forfeit a sum of money equal to \$200,000.00 in United States currency, representing the approximate amount of proceeds the defendant personally retained as a result of the offenses charged in Counts One and Two of the Indictment; and

WHEREAS, the defendant consents to the imposition of a money judgment in the amount of \$200,000.00 in United States currency, representing the approximate amount of proceeds the defendant personally retained as a result of the offenses charged in Counts One and Two of the Indictment;

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney, Preet Bharara, United States Attorney, Assistant United States Attorney Micah W. J. Smith, of counsel, and the defendant, and his counsel, John F. Kaley, Esq., and Anthony Cecutti, Esq. that:

1. As a result of the offenses charged in Counts One and Two of the Indictment, to which the defendant pled guilty, a

money judgment in the amount of \$200,000.00 in United States currency (the "Money Judgment") shall be entered against the defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, upon entry of this Consent Preliminary Order of Forfeiture/Money Judgment, this Order is final as to the defendant, NOORUDDIN DASHTI, and shall be deemed part of the sentence of the defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the Money Judgment shall be made by postal money order, bank or certified check, made payable, in this instance to the United States Marshals Service, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Asset Forfeiture Unit, One St. Andrew's Plaza, New York, New York 10007, and shall indicate the defendant's name and case number.

4. Upon execution of this Order of Forfeiture, and pursuant to 21 U.S.C. § 853, the United States Marshals Service shall be authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, upon entry of this Order, the United States Attorney's Office is authorized to conduct any discovery needed to

identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas, pursuant to Rule 45 of the Federal Rules of Civil Procedure.

6. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Rule 32.2(e) of the Federal Rules of Criminal Procedure.

7. The Clerk of the Court shall forward three certified copies of this Order to Assistant United States Attorney Sharon Cohen Levin, Chief of the Asset Forfeiture Unit, United States Attorney's Office, One St. Andrew's Plaza, New York, New York 10007.

8. The signature page of this Order may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

PREET BHARARA
United States Attorney for the
Southern District of New York
Attorney for Plaintiff

By: MICAH W. J. SMITH
MICAH W. J. SMITH
Assistant United States Attorney
One St. Andrew's Plaza
New York, NY 10007
(212) 637-2439

DATE

NOORUDDIN DASHTI
DEFENDANT

By: NOORUDDIN DASHTI

DATE

By: *J. F. Kaley*
JOHN F. KALEY, ESQ.
Doar, Rieck, Kaley & Mack
217 Broadway, Suite 707
New York, NY 10007-2911
T: (516) -236-3139

DATE

SO ORDERED:

HONORABLE WILLIAM H. PAULEY
UNITED STATES DISTRICT JUDGE

3/19/2013